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PATENTS
Atty. Docket No. VOS-012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Oliver Bruestle

Art Unit: 1632

Serial No.: 09/581,890

Examiner: Falk, Anne-Marie

Filing Date: August 28, 2000

Title: Neural Precursor Cells, Method for
the Production and Use Thereof in
Neural Defect Therapy

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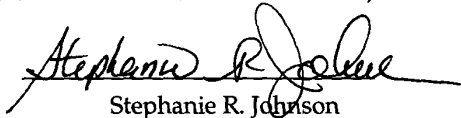
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CERTIFICATION UNDER 37 CFR § 1.8(a)

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16 January 2003

Date of Signature and
of Mail Deposit


Stephanie R. Johnson

Commissioner for Patents
Washington, DC 20231

INTERVIEW SUMMARY PURSUANT TO 37 C.F.R. § 1.133

Dear Sir:

Applicant thanks the Examiner for her time for participating in a telephonic interview on December 17, 2002. Responsive to the communication dated December 19, 2002, Applicant respectfully submits the following Interview Summary.



INTERVIEW SUMMARY

On December 17, 2002, a telephonic interview was held with Ann-Louise Kerner, Ph.D. and Alison Corkery participating on behalf of Applicant and Examiner Anne-Marie Falk, Ph.D. participating from the United States Patent and Trademark Office.

Applicant's representatives provided an overview of the background of the invention and its importance.

The Examiner and Applicant's representatives proceeded to discuss Applicant's responses in the Amendment filed December 5, 2002, to the rejections in the Office Action dated June 5, 2002.

Examiner Falk indicated that based on the Amendment filed December 5, 2002, the rejection under 35 U.S.C. § 112, second paragraph, alleging that the language "neuronal and glial properties" is unclear, seemed to be overcome and that the language in the amended claims directed to *e.g.* "the ability to differentiate to neuronal or glial cells" appeared to be more definite.

With regard to the rejection under 35 U.S.C. § 102(e), Examiner Falk inquired how the claimed composition is structurally different from a composition of neural precursor cells. In response, Applicant's representatives pointed to the fact that the claimed composition has 0% to 15% primitive embryonic and non-neural cells present in it.

Examiner Falk asked Applicant's representatives where in the specification can be found the specific support for the ranges 0% to 15% and 85% to 100%. Applicant's representatives identified the relevant text in the specification for these ranges, and Examiner Falk indicated that this support looked sufficient and that she would evaluate the language for enablement purposes.

Examiner Falk also indicated that she would perform a search regarding the new limitations in the claims. Examiner Falk indicated that the new limitations to the claims might overcome the Weiss reference; however, she indicated that she will have to evaluate this issue.



CONCLUSIONS

In view of the arguments set forth in the Amendment filed December 5, 2002, and the discussion in the telephonic interview of December 17, 2002, discussed above, Applicant respectfully submits that the rejections contained in the Office Action mailed on June 5, 2002, have been overcome, and that the claims are in condition for allowance. If the Examiner believes that any further discussion of this communication would be helpful, she is invited to contact the undersigned at the telephone number provided below.

No fees are believed to be due in connection with this response. However, please charge any underpayments or credit any overpayments to Deposit Account No. 08-0219.

Respectfully submitted,

Ann-Louise Kerner, Ph.D.
Reg. No. 33,523

Date: January 16, 2003


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1632

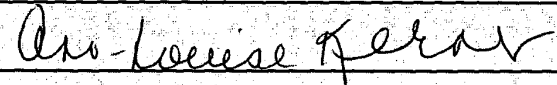
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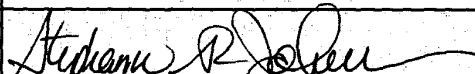
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 <h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;"><i>to be used for all correspondence after initial filing</i></p>	Application Number	09/581,890
	Filing Date	08/28/2000
	First Named Inventor	Bruestle
	Group Art Unit	1632
	Examiner Name	Falk, Anne-Marie
Total Number of Pages in This Submission		4
Attorney Docket Number		107070-113 (VOS-012)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Enclosed: - Interview Summary - Return Receipt Postcard		<div style="border: 2px solid black; padding: 5px; transform: rotate(-5deg);"> RECEIVED JAN 21 2003 TECH CENTER 20/2900 </div>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Ann-Louise Kerner, Ph.D. Reg. No. 33,523
Signature	
Date	01/16/2003

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelop addressed to: Commission r for Pat nts, Washington, DC 20231 on this dat : 1/16/2003			
Typed or printed name	Stephanie R. Johnson		
Signature		Date	01/16/2003

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